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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

| | | |
|---------------------------|---|-----------------------------------|
| UNITED STATES OF AMERICA, |) | No. 4-12-70146-MAG |
| |) | |
| Plaintiff, |) | [PROPOSED] ORDER AND |
| |) | STIPULATION FOR CONTINUANCE |
| v. |) | FROM MAY 2, 2012 TO JULY 13, 2012 |
| |) | AND EXCLUDING TIME FROM THE |
| SAMUEL LOPEZ, |) | SPEEDY TRIAL ACT CALCULATION |
| |) | (18 U.S.C. § 3161(h)(8)(A)) AND |
| Defendant. |) | WAIVING TIME LIMITS UNDER RULE |
| |) | 5.1 |

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of July 13, 2012 at 9:30 a.m. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from May 2, 2012 to July 13, 2012. The parties agree, and the Court finds and holds, as follows:

1. The defendant is currently in custody.
2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Counsel for the defendant will be out of the district from

1 May 11 to June 26, 2012.

2 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for
3 preliminary hearing.

4 4. Counsel for the defense believes that postponing the preliminary hearing is in her
5 client's best interest, and that it is not in her client's interest for the United States to indict the
6 case during the normal 14-day timeline established in Rule 5.1.

7 5. The Court finds that, taking into the account the public interest in the prompt
8 disposition of criminal cases, these grounds are good cause for extending the time limits for a
9 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,
10 the Court finds that the ends of justice served by excluding the period from May 2, 2012 to July
11 13, 2012 outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C.
12 § 3161(h)(8)(A).

13 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
14 hearing date before the duty magistrate judge on July 13, 2012, at 9:30 a.m., and (2) orders that
15 the period from May 2, 2012 to July 13, 2012, be excluded from the time period for preliminary
16 hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations
17 under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

18
19 IT IS SO STIPULATED:

20
21 DATED: April 23, 2012

/s

ELLEN LEONIDA
Attorney for Defendant

22
23
24 DATED: April 23, 2012

/s

AARON D. WEGNER
Assistant United States Attorney

25
26
27 IT IS SO ORDERED.

28 DATED: April 24, 2012



~~HON. BERNARD ZIMMERMAN~~ LAUREL BEELER
United States Magistrate Judge